**IN THE HIGH COURT OF UTTRANCHAL**
**AT NAINITAL**

Criminal Misc.Application No. 888/05

Jatin @ Jeetu Sardana
S/o Hemraj
R/o House No. 714
Chaudhary Mohalla ward No.3
Tarawadi,
District Jarnal Haryana applicant

Versus

1 State of Uttaranchal
2 CJM Haridwar, District Haridwar
3 Arjun Dev s/o Ashanand
R/o 69/6 Post office wali Gali
PS Kila Chowki,District Panipat
Haryana opposite party.

**Hon'ble B.C. Kandpal, J**

By way of this petition under Section 482 Cr.P.C. the applicant who is facing trial incase crime No. 624/2004 under Sections 364 IPC has prayed for quashing further proceedings pending before the court below.

Brief facts giving rise to this petition are that a First Information Report was lodged under Section 364 IPC against the applicant. The police investigated the matter and thereafter submitted the charge sheet against the petitioner in the court concerned.

Feeling aggrieved by the submission of charge sheet, this petition has been preferred before this court by the petitioner.

Heard learned counsel for the petitioner, learned AGA and perused the record.

The contention raised by the learned counsel for the petitioner relates to the factual aspect of the matter which can be assessed and examined by the trial court during the course of trial.

At this stage I am not supposed to deliver a premature decision in a case where the evidence is incomplete and hazy

I am also not supposed to embark upon an enquiry with regard to the reliability of evidence.

I do not find any abuse of process of court at this stage.

The petition under Section 482 Cr.P.C lacks merit and is liable to be dismissed.

Accordingly the petition is dismissed.

(B.C. Kandpal, J.)

13.12.2005

nbj